IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	**Case No. 4:05-CV-329-GKF-PJC**
	:	
TYSON FOODS, INC., *et al.*,	:	
	:	
Defendants.	:	

STATE OF OKLAHOMA'S REPLY IN FURTHER SUPPORT OF FEES AND EXPENSES TO BE AWARDED PURSUANT TO COURT ORDER [DKT. #2734]

Plaintiff, the State of Oklahoma ("the State") hereby submits its reply in further support of its brief and affidavits in support of the reasonable fees and expenses that it incurred as a result of the Cargill Defendants' ("Cargill") counsel's incorrect and incomplete responses to the State's Interrogatories 1 and 6 ("State's Brief") (Dkt. #2822) and in response to Cargill's memorandum in opposition to the same ("Def.'s Opp.") (Dkt. #2872).

I. INTRODUCTION

In its August 12, 2009 motion for sanctions ("Sanctions Motion") (Dkt. #2459), the State alleged that Cargill and/or its attorneys violated three Federal Rules of Civil Procedure: 16(f), 26(e), and 26(g). (Sanctions Motion at 12.) In its November 4, 2009 Opinion and Order ("Order") (Dkt. #2734), the Court found for the State — and sanctioned Cargill's counsel — with respect to two out of three: 26(e) and 26(g). (Order at 31-32, 35-36.) Yet, in its February 4, 2010 opposition to the fees and expenses sought by the State, Cargill insists that this Court "largely disagreed" with the Sanctions Motion. (*See* Def.'s Opp. at 2; *see also id.* at 4 ("the Court found only *a* violation of Rule 26" (emphasis added)); *id.* at 10 ("all but *one* of the claims for sanctions raised by the State failed" (emphasis added)).) Based on this rather

remarkable thesis, Cargill proceeds implicitly to seek reconsideration of the sanction expressly ordered by the Court (*see id*. at 4-5 (Cargill urging Court to enter nominal sanction)). Yet, the Court already has ordered Cargill's counsel to pay the State's "expenses, including reasonable attorney fees, incurred as a result of Cargill's counsel's incorrect and incomplete responses to the interrogatories; *e.g.*, expenses and fees incurred in supplementing the summary judgment motion as well as those incurred in seeking sanctions" (*see* Order at 36).[1]

As documented in the State's Brief and the affidavits attached thereto, as a result of Cargill's counsel's incorrect and incomplete interrogatory responses, the State incurred $40,596.50 in attorneys' fees and $159.25 in expenses, including those incurred in supplementing the summary judgment motion and seeking sanctions. Generally, the question whether an amount of attorneys' fees is reasonable is answered by multiplying the number of hours reasonably worked by a reasonable hourly rate. *See, e.g.*, *Jones v. Eagle-North Hills Shopping Ctr., L.P.*, 478 F. Supp. 2d 1321, 1325-26 (E.D. Okla. 2007). It is *not* answered by:

- rehashing Cargill's lawyers' mistaken belief that the work product doctrine protects facts (*compare* Order at 31 ("Cargill's counsel wrongly believed they had no obligation to share that factual information as it was protected by the work product doctrine. *However, it then was Cargill's counsel's responsibility to specifically object to the interrogatories on that ground.*" (emphasis added)), *with* Def.'s Opp. at 2 ("It is only these materials, created early in the litigation by or at the direction of counsel, that formed the basis for the State's motion for sanctions.")));
- assessing whether and to what extent the State suffered any prejudice (*compare* Order at 34-35 ("Oklahoma has suffered no real prejudice or surprise. . . . *However, that does not end the Court's inquiry into applicable sanctions*." (emphasis added)), *with* Def.'s Opp.

[1] Although a district court has the discretion to enter only a nominal Rule 26(g) sanction (Def.'s Opp. at 4-5 (citing *Lillie v. United States*, 40 F.3d 1105 (10th Cir. 1994)), Cargill ignores the fact that this Court already has exercised its discretion *not* to do so, but rather to award the State its expenses and reasonable attorneys' fees relating to the misconduct (*see* Order at 36).

at 4-5 ("[C]ounsel's failures here were harmless. . . . Given the unique circumstances here, this Court should . . . enter only a nominal Rule 26(g) sanction");[2] or

- examining Cargill's choice not to seek its own attorneys' fees in prior, unrelated motions (*see* Def.'s Opp. at 6 (citing August 7, 2009 order (Dkt. #2440) awarding Cargill and the Cal-Maine Defendants fees and expenses in which the Court noted that *Cargill had declined to seek compensation for 95 hours of attorney time* (*id.* at 4)); Def.'s Opp. at 7 (citing January 11, 2008 order (Dkt. #1451) denying motion for sanction against State in light of Cargill's decision to propose flat sanction *in lieu of providing time and expenses incurred* in reviewing withdrawn interrogatory designations)).

These arguments, advanced in Cargill's opposition brief, are immaterial, and the Court should ignore them.

Rather, as set forth below and in the State's opening brief and affidavits, the attorneys' fees sought by the State reflect the number of hours reasonably worked multiplied by reasonable hourly rates. Likewise, the expenses sought by the State are reasonable and the kind normally billed to a client and not absorbed as overhead.

II. ARGUMENT

A. The State Seeks Attorneys' Fees for Time Reasonably Spent.

Cargill is wrong that "[m]ost entries produced by the State's contingency-fee[3] counsel demonstrate redundant or duplicative work performed at the same time for relative [sic] simple

---

[2] Among other things, in its attempt to have the Court reconsider its decision to award sanctions, Cargill posits that the State's decision not to seek to introduce the documents at issue during the trial of this case reflects the harmlessness of Cargill's misconduct. (Def.'s Opp. at 5.) To the contrary, Cargill simply never called Dr. Ginn, the retained Cargill expert who would have been the witness to sponsor these documents. Indeed, it is altogether likely that Cargill's decision not to call Dr. Ginn was driven by its desire to avoid cross examination on this issue.

[3] It is not clear how this is relevant. If anything, the contingent nature of the State's attorneys' fees supports the reasonableness of the time expended by the State's lawyers. Whereas it can be said that one who bills by the hour may be incentivized to take as much time as possible, it can also be said that one whose compensation is based upon the outcome of a matter has every incentive to be as efficient as possible, so as to maximize the return on his or her investment.

discovery issues." (Def.'s Opp. at 8.) Each substantive point raised by Cargill in support of this argument is addressed in turn.

First, Cargill asserts that the State's Sanctions Motion is duplicative of its motion to supplement the summary judgment record ("Motion to Supplement") (Dkt. #2452). (*See* Def.'s Opp. at 8 ("the State demands two separate sets of substantial fees for drafting essentially the same argument twice").) Its position is facially specious. The Sanctions Motion and the Motion to Supplement were predicated upon a common set of facts, but their similarity ends there. The relief sought, the legal analysis involved, and the research required for each motion differed entirely. Indeed, Cargill itself identifies no fewer than "six discrete grounds" raised by the State in its Sanctions Motion (combining each claimed violation with each proposed sanction). (*See* Def.'s Opp. at 10.) None of these grounds appears in the Motion to Supplement.

In addition, the Court should reject Cargill's argument that no amount of fees relating to the Motion to Supplement could be considered reasonable because Cargill did not object to supplementation. (*See id*. at 9.) Given that the parties have fought over every inch of ground in this case, there was no reason for the State to believe that Cargill would consent to supplementation. Even Cargill's "Non-Opposition" was eight pages and attached eleven exhibits. (*See* Dkt. #2461.) More importantly, Cargill cites no authority for the proposition that its consent would have relieved the State of the need to file its Motion to Supplement. *Cf.* Fed. R. Civ. P. 16(b)(4) ("A schedule [e.g., for summary judgment briefing] may be modified only for good cause *and with the judge's consent*." (emphasis added)); Fed. R. Civ. P. 56(f) ("If a party opposing the motion [for summary judgment] shows by affidavit that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) deny the motion;

(2) order a continuance to enable affidavits to be obtained, depositions to be taken, or other discovery to be undertaken; or (3) issue any other just order.").

Second, Cargill complains that counsel's initial review of the Ginn materials and investigation of Cargill discovery failures cannot be "related to the Court's narrow decision against Cargill" because the Court found "that nearly all of the alleged 'Cargill discovery failures' were either not violations of any Rule or else harmless and not sanctionable." (Def.'s Opp. at 9-10.) As an initial matter, Cargill significantly understates the result of the State's Sanctions Motion. To reiterate, the State alleged violations of three rules and, as to each, the Court found as follows:

State's Allegation	Court's Finding
Cargill violated Rule 16(f) because it failed timely to produce the Grower Summary and Applications Chart. (Sanctions Motion at 12.)	***No Violation***: Cargill did not violate Rule 16(f) because the documents — though not the facts contained therein (Order at 18) — constituted work product (*id.* at 26).
Cargill violated Rule 26(e) because it made and failed to correct misstatements of fact in its interrogatory responses and Rule 30(b)(6) deposition testimony. (Sanctions Motion at 12.)	***Violation***: Although Cargill did not make a misstatement in its deposition testimony (Order at 30), Cargill's responses to interrogatories were incorrect and violated Rule 26(e) (*id*. at 31).
Cargill violated Rule 26(g) because counsel for Cargill certified that Cargill's interrogatory responses were correct even though a reasonable inquiry . . . would have revealed that they obviously were not. (Sanctions Motion at 12.)	***Violation***: Cargill was wrong that its attorneys were not required to educate its representative(s) regarding relevant, non-privileged facts contained in work product documents in responding to interrogatories (Order at 32), and Rule 12(g) required them to object to providing facts contained in the Grower Summary and Applications Chart rather than permit Cargill falsely to deny their existence (*id*. at 31).

Thus, the Court's decision against Cargill was not nearly as narrow as Cargill suggests. Regardless, Cargill again ignores the fact that the Court already has determined the measure of sanction. Specifically, the Court has instructed the State to identify its fees and expenses

"incurred as a result of Cargill's incorrect and incomplete responses to the interrogatories." (Order at 36.) Such fees reasonably include time spent reviewing facts that should have been disclosed and working to determine the extent of the discovery misconduct, whatever it might be.[4]

Third, again mischaracterizing the State's Sanctions Motion and the Court's Order, Cargill argues that it should not have to pay for time spent preparing that part of the State's Motion that was denied. (Def.'s Opp. at 10.) But the sanctions awarded by the Court include, *inter alia*, "expenses and fees incurred . . . *in seeking sanctions*" (Order at 36 (emphasis added)), not "in seeking sanctions ultimately obtained." Moreover, Cargill incorrectly represents that the State's request for sanctions under Rule 37(b) "had no basis in the law and should never have been raised." (Def.'s Opp. at 10.) To the contrary, Rule 37(b) sanctions are expressly available for violations of Rule 26(e).[5] *See* Fed. R. Civ. P. 37(c) ("If a party fails to provide information or identify a witness as required by Rule 26(a) *or 26(e)* . . . . the court, on motion and after giving an opportunity to be heard . . . (C) may impose other appropriate sanctions, *including any of the orders listed in Rule 37(b)(2)(A)(i)-(vi)*." (emphases added)).

Fourth, Cargill claims that the time spent on the Sanctions Motion was excessive. (Def.'s Opp. at 11.) Beyond bolding and italicizing the amount of hours spent by the motion's principal drafter, however, Cargill offers nothing in support of this contention. Having acknowledged the comprehensiveness of the motion, it is disingenuous for Cargill to suggest that it took too much time. Furthermore, given the seriousness of the misconduct alleged in the

---

[4] Attorneys Page and Garren's brief August 8, 2009 meeting regarding Dr. Ginn's second deposition was part and parcel of that effort and is fully compensable. (*See* Def.'s Opp. at 10 (citing State's Brief, Ex. C (Dkt. #2822-4) at 5).) With respect to Cargill's challenge of Attorney Blakemore's time spent on September 25, 2009, in preparation for the hearing on the instant motion (Def.'s Opp. at 10 (citing Dkt. #2822-2 at 8)), it is beyond dispute that the hearing's main focus was on the sanctions issue.

[5] The Court found "that Cargill and its attorneys have violated Rule 26(e) . . . in the responses and certifications to Interrogatories 1 and 6." (Order at 32.)

State's Motion, it is reasonable that every biller at issue spent at least some time reviewing it. (*See id*.) Although Cargill dismisses the State's reply brief ("Reply") (Dkt. #2612) as "short" (*see* Def.'s Opp. at 11), if anything, the Reply's brevity supports the reasonableness of the time involved in drafting it.[6] More to the point, the time spent analyzing Cargill's response ("Response") (Dkt. #2598) and preparing the Reply was reasonably necessary to address, among other things, Cargill's arguments — which this Court subsequently rejected (*see* Order at 31-32) — that: (1) Cargill had no obligation to disclose facts contained in documents claimed to be work product, let alone the existence of those facts (*compare* Response at 2-3 *with* Reply at 3-6); and (2) Cargill's lawyers were not required to educate its corporate representatives as to the existence of such facts (*compare* Response at 11 *with* Reply at 4-5).

Fifth, Cargill disputes a modest amount of post-hearing fees and charges. (Def.'s Opp. at 11.) Among other things, these include time spent complying with the Court's order. (*See, e.g.*, State's Brief, Ex. C (Dkt. #2822-4) at 5 (reflecting just over 45 minutes of time relating to brief in support of fees and expenses).) Thus, such fees and expenses properly were incurred "as a result of" Cargill's counsel's violations of Rules 26(e) and 26(g). (*See* Order at 36.) Cargill cites no authority to the contrary. (Def.'s Opp. at 11.) Moreover, such fees and expenses already have been substantially understated in that they do *not* include any time expended by Motley Rice LLC in preparing the State's Brief. (*See* State's Brief, Ex. B (Dkt. #2822-3) ¶ 4.)

Sixth, Cargill contests "work that is 'clearly clerical in nature.'" (Def.'s Opp. (citing *Jones*, 478 F. Supp. 2d at 1328).) In *Jones*, the court declined to award fees for work performed by *attorneys* — at attorneys' billing rates — that was clerical in nature. *See* 478 F. Supp. 2d at

---

[6] In this regard, philosopher Blaise Pascal is credited with writing: "I have made this [letter] longer than usual, only because I have not had the time to make it shorter." Oxford Essential Quotations Dictionary 245 (1998) (citing Lettres Provinciales (1657)).

1328. But the work that Cargill contests here was performed by *legal assistants*. Because such clerical work performed by non-attorneys is "reasonable and of the kind normally billed to the client and not absorbed by the law firm as overhead expense," it may appropriately be included in the Court's award. *See id*.

* * *

For these reasons, the Court should reject Cargill's argument that the time incurred by the State's attorneys was redundant and unnecessary.

B. The State's Attorneys' Billing Rates Are Reasonable.

Likewise, the Court should reject Cargill's argument that the State has failed to establish the reasonableness of the rates for its requested attorneys' fees. (Def.'s Opp. at 12-15.)

First, Cargill attacks the billing rates of two of the State's local attorneys, Louis Bullock and Robert Blakemore.[7] Specifically, Cargill argues that Mr. Bullock's hourly rate should be no more than $300, which — adjusted for inflation — is approximately what he was awarded *seven* years ago, in *Johnson v. City of Tulsa*, No. 94-CV-39, 2003 WL 24015152, at *2 (N.D. Okla. Aug. 29, 2003).[8] (*See* Def.'s Opp. at 13.) In *Johnson*, this Court (*Holmes, J.*) described Mr.

---

[7] Cargill does not appear to contest the billing rates of attorneys Richard Garren ($300 per hour) and David Page ($275 per hour). (*See* Def.'s Opp. at 13 n.4.)

[8] With respect to Mr. Bullock's law partner, Mr. Blakemore, the State inadvertently listed his hourly rate as $280. (*See* State's Brief at 4.) As set forth in Mr. Bullock's affidavit, the State actually seeks an hourly rate of $235 for Mr. Blakemore, which is approximately 16% less than $280. (*See* State's Brief, Ex. A (Dkt. #2822-2) ¶ 8.) Cargill's proposed billing rate of $175 per hour for Mr. Blakemore would constitute an additional reduction of approximately 25%, for which Cargill offers no basis at all. (*See* Def.'s Opp. at 13.) Mr. Blakemore has been practicing law for over 9 years and has extensive federal litigation and environmental law experience. As Mr. Bullock stated in his affidavit, the requested hourly rate of $235 for Mr. Blakemore is "consistent with rates charged in the Tulsa community for attorneys with similar expertise, experience and reputation." (*See* State's Brief, Ex. A (Dkt. #2822-2) ¶ 8.) Indeed, the Glass Law Firm's 2009 "Local Rate Survey" demonstrates that an hourly rate of $235 is consistent with rates charged by Tulsa attorneys with 7 to 9 years' experience. (*See* Ex. A attached hereto, 2009 Local Rate Survey, at 9.)

Bullock as "among the most well-respected attorneys in the Tulsa community and [who] is particularly skilled and experienced as a litigator, generally . . . ." 2003 WL 24015152, at *2. Today, Mr. Bullock's rate of $380 is more than reasonable for an attorney of his experience, skill, and reputation. Indeed, review of the Glass Law Firm's 2009 "Local Rate Survey" shows that several other Tulsa lawyers with 25 or more years' experience bill at rates in excess — sometimes well in excess — of $380 per hour. (Ex. A at 9.) Moreover, Cargill does not meaningfully contest the point raised in the State's Brief (*see id.* at 5) that this case is tremendously complex, lengthy, and expensive (*see* Def.'s Opp. at 12-15). This, too, warrants a billing rate that exceeds inflation. *See Henderson v. Horace Mann Ins. Co.*, 560 F. Supp. 2d 1099, 1113 (N.D. Okla. 2008) (noting that Court, in 2004, upheld hourly rate of approximately $300 (in 2010 dollars) in a case that was "not extraordinarily complex").

Second, although Cargill does not contest the Court's discretion to award national counsel their customary billing rates, *even if they exceed those of the local Tulsa community* (*see* Def.'s Opp. at 13), it contends that the State has not met its burden to prove that national litigation firm Motley Rice's customary billing rates are justified under the controlling law, "even assuming that this matter would qualify as unusually complex." (*See* Def.'s Opp. at 14.) To the contrary, just as Cargill evidently believed that it needed 500-lawyer Faegre & Benson LLP, the State reasonably required Motley Rice's trial expertise and financial resources.

To wit: In a sworn affidavit filed in connection with the State's opposition (Dkt. #1085) to Defendants' Motion for Judgment as a Matter of Law (Dkt. #1064), Oklahoma First Assistant Attorney General Thomas W. Gruber averred, among other things, that the State "has limited resources, lacking both in number of available personnel and amount of available finances, to prosecute [this] large-scale environmental case" (Dkt. #1085-2, ¶ 5), and the State retained its

local attorneys and Motley Rice because they "offered *the most favorable financial terms* to the State and because these firms were determined to have *the requisite legal skills and resources* to assist [the State] in its prosecution of environmental claims against culpable companies in the poultry industry" (*id*. ¶¶ 6-7 (emphases added)). This scenario is similar to that present in *Swisher v. United States*, 262 F. Supp. 2d 1203 (D. Kan. 2003), in which the court stated:

> Based upon [plaintiff's] sworn statement, as well as the court's own assessment that this case presents issues not routinely litigated in the District of Kansas, the court believes plaintiffs have set forth a sufficient basis for the court to conclude that the relevant market for determining attorneys' fees in this case must be broader than the state of Kansas.

Id. at 1213-14; *cf. Hamilton v. Boise Cascade Express*, 519 F.3d 1197, 1206-1207 (10th Cir. 2008) (holding that choice belongs to district court whether to provide straight fee recovery or lodestar-limited recovery).[9]

III. CONCLUSION

For the foregoing reasons and as set forth in the State's Brief, the Court should award fees in the amount of $40,596.50 and expenses in the amount of $159.25 against Cargill's counsel in accordance with the Court's Order (Dkt. #2734).

---

[9] Cargill dismisses *Swisher* on the ground that it applied the law of the Court of Federal Claims. (Def.'s Opp. at 14 n.5.) Cargill is mistaken. *See Swisher*, 262 F. Supp. 2d at 1214 ("The court finds that, under either the Court of Federal Claims *or the Tenth Circuit standard*, evaluation of the rates charged by plaintiffs' counsel in light of the rates charged by other attorneys of similar skill and experience *in the geographic areas in which they practice* is warranted." (emphasis added)).

Cargill distinguishes *Hamilton* because it involved 28 U.S.C. § 1927, which — in contrast to Rules 11 and 26(g)(3) — serves to compensate victims of misconduct rather than to deter such misconduct. (Def.'s Opp. at 14.) Like § 1927, however, Rule 26(g)(3) permits an award of attorneys' fees actually reasonably "incurred," as opposed to merely "a reasonable attorney's fee." (*See* State's Brief at 3 n.1.) Therefore, the Court has the power to make the State "whole" for all of its attorneys' fees incurred as a result of Cargill's and its counsel's violations of Rules 26(e) and 26(g). *See In re: Byrd, Inc.*, 927 F.2d 1135, 1137 (10th Cir. 1991) ("The bankruptcy court held Smith should be 'made whole'. . . . Rule 26(g) specifically gives the court this power.").

Respectfully Submitted,

W.A. Drew Edmondson OBA #2628
ATTORNEY GENERAL
Kelly H. Foster OBA #17067
ASSISTANT ATTORNEY GENERAL
State of Oklahoma
313 N.E. 21st St.
Oklahoma City, OK 73105
(405) 521-3921

M. David Riggs OBA #7583
Joseph P. Lennart OBA #5371
Richard T. Garren OBA #3253
Sharon K. Weaver OBA #19010
Robert A. Nance OBA #6581
D. Sharon Gentry OBA #15641
David P. Page OBA #6852
RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS
502 West Sixth Street
Tulsa, OK 74119
(918) 587-3161

Louis W. Bullock OBA #1305
Robert M. Blakemore OBA #18656
BULLOCK, BULLOCK & BLAKEMORE
110 West Seventh Street, Suite 707
Tulsa, OK 74119
(918) 584-2001

Frederick C. Baker
(admitted *pro hac vice*)
Elizabeth Claire Xidis
(admitted *pro hac vice*)
MOTLEY RICE LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29465
(843) 216-9280

/s/ Ingrid L. Moll
William H. Narwold
(admitted *pro hac vice*)
Ingrid L. Moll
(admitted *pro hac vice)*
Mathew P. Jasinski
(admitted *pro hac vice*)

MOTLEY RICE LLC
20 Church Street, 17th Floor
Hartford, CT 06103
(860) 882-1678

Jonathan D. Orent
(admitted *pro hac vice)*
Michael G. Rousseau
(admitted *pro hac vice)*
Fidelma L. Fitzpatrick
(admitted *pro hac vice)*
MOTLEY RICE LLC
321 South Main Street
Providence, RI 02940
(401) 457-7700

Attorneys for the State of Oklahoma

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of February, 2010, I electronically transmitted the above and foregoing pleading to the Clerk of the Court using the ECF System for filing and a transmittal of a Notice of Electronic Filing to the following ECF registrants:

W. A. Drew Edmondson, Attorney General	Fc_docket@oag.ok.gov
Kelly H. Foster, Assistant Attorney General	kelly_foster@oag.ok.gov
M. David Riggs	driggs@riggsabney.com
Joseph P. Lennart	jlennart@riggsabney.com
Richard T. Garren	rgarren@riggsabney.com
Sharon K. Weaver	sweaver@riggsabney.com
Robert A. Nance	rnance@riggsabney.com
D. Sharon Gentry	sgentry@riggsabney.com
David P. Page	dpage@riggsabney.com
RIGGS, ABNEY, NEAL, TURPEN, ORBISON & LEWIS	
Louis Werner Bullock	lbullock@bullock-blakemore.com
Robert M. Blakemore	bblakemore@bullock-blakemore.com
BULLOCK, BULLOCK & BLAKEMORE	
Frederick C. Baker	fbaker@motleyrice.com
Elizabeth Claire Xidis	cxidis@motleyrice.com
William H. Narwold	bnarwold@motleyrice.com
Ingrid L. Moll	imoll@motleyrice.com
Jonathan D. Orent	jorent@motleyrice.com
Michael G. Rousseau	mrousseau@motleyrice.com
Fidelma L. Fitzpatrick	ffitzpatrick@motleyrice.com
MOTLEY RICE LLC	
Counsel for State of Oklahoma	
Robert P. Redemann	rredemann@pmrlaw.net
PERRINE, MCGIVERN, REDEMANN, REID, BARRY & TAYLOR, P.L.L.C.	
David C. Senger	david@cgmlawok.com
Robert E Sanders	rsanders@youngwilliams.com
Edwin Stephen Williams	steve.williams@youngwilliams.com
YOUNG WILLIAMS P.A.	
Counsel for Cal-Maine Farms, Inc and Cal-Maine Foods, Inc.	
John H. Tucker	jtucker@rhodesokla.com

Theresa Noble Hill	thill@rhodesokla.com
Colin Hampton Tucker	ctucker@rhodesokla.com
Kerry R. Lewis	klewis@rhodesokla.com
RHODES, HIERONYMUS, JONES, TUCKER & GABLE	
Terry Wayen West	terry@thewestlawfirm.com
THE WEST LAW FIRM	
Delmar R. Ehrich	dehrich@faegre.com
Bruce Jones	bjones@faegre.com
Krisann C. Kleibacker Lee	kklee@faegre.com
Todd P. Walker	twalker@faegre.com
Christopher H. Dolan	cdolan@faegre.com
Colin C. Deihl	cdeihl@faegre.com
Randall E. Kahnke	rkahnke@faegre.com
FAEGRE & BENSON, LLP	
Counsel for Cargill, Inc. & Cargill Turkey Production, LLC	
James Martin Graves	jgraves@bassettlawfirm.com
Gary V Weeks	gweeks@bassettlawfirm.com
Woody Bassett	wbassett@bassettlawfirm.com
K. C. Dupps Tucker	kctucker@bassettlawfirm.com
Earl Lee “Buddy” Chadick	bchadick@bassettlawfirm.com
Vincent O. Chadick	vchadick@bassettlawfirm.com
BASSETT LAW FIRM	
George W. Owens	gwo@owenslawfirmpc.com
Randall E. Rose	rer@owenslawfirmpc.com
OWENS LAW FIRM, P.C.	
Counsel for George’s Inc. & George’s Farms, Inc.	
A. Scott McDaniel	smcdaniel@mhla-law.com
Nicole Longwell	nlongwell@mhla-law.com
Craig A. Merkes	cmerkes@mhla-law.com
MCDANIEL, HIXON, LONGWELL & ACORD, PLLC	
Sherry P. Bartley	sbartley@mwsgw.com
MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, PLLC	
Counsel for Peterson Farms, Inc.	
John Elrod	jelrod@cwlaw.com

Vicki Bronson	vbronson@cwlaw.com
P. Joshua Wisley	jwisley@cwlaw.com
Bruce W. Freeman	bfreeman@cwlaw.com
D. Richard Funk	rfunk@cwlaw.com
CONNER & WINTERS, LLP	
Counsel for Simmons Foods, Inc.	
Stephen L. Jantzen	sjantzen@ryanwhaley.com
Paula M. Buchwald	pbuchwald@ryanwhaley.com
Patrick M. Ryan	pryan@ryanwhaley.com
RYAN, WHALEY, COLDIRON & SHANDY, P.C.	
Mark D. Hopson	mhopson@sidley.com
Jay Thomas Jorgensen	jjorgensen@sidley.com
Timothy K. Webster	twebster@sidley.com
Thomas C. Green	tcgreen@sidley.com
Gordon D. Todd	gtodd@sidley.com
SIDLEY, AUSTIN, BROWN & WOOD LLP	
Robert W. George	robert.george@tyson.com
L. Bryan Burns	bryan.burns@tyson.com
Timothy T. Jones	tim.jones@tyson.com
TYSON FOODS, INC	
Michael R. Bond	michael.bond@kutakrock.com
Erin W. Thompson	erin.thompson@kutakrock.com
Dustin R. Darst	dustin.darst@kutakrock.com
KUTAK ROCK, LLP	
Counsel for Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., & Cobb-Vantress, Inc.	
R. Thomas Lay	rtl@kiralaw.com
KERR, IRVINE, RHODES & ABLES	
Frank M. Evans, III	fevans@lathropgage.com
Jennifer Stockton Griffin	jgriffin@lathropgage.com
David Gregory Brown	
LATHROP & GAGE LC	
Counsel for Willow Brook Foods, Inc.	
Robin S Conrad	rconrad@uschamber.com
NATIONAL CHAMBER LITIGATION CENTER	
Gary S Chilton	gchilton@hcdattorneys.com

HOLLADAY, CHILTON AND DEGIUSTI, PLLC	
Counsel for US Chamber of Commerce and American Tort Reform Association	
D. Kenyon Williams, Jr.	kwilliams@hallestill.com
Michael D. Graves	mgraves@hallestill.com
HALL, ESTILL, HARDWICK, GABLE, GOLDEN & NELSON	
Counsel for Poultry Growers/Interested Parties/ Poultry Partners, Inc.	
Richard Ford	richard.ford@crowedunlevy.com
LeAnne Burnett	leanne.burnett@crowedunlevy.com
CROWE & DUNLEVY	
Counsel for Oklahoma Farm Bureau, Inc.	
Kendra Akin Jones, Assistant Attorney General	Kendra.Jones@arkansasag.gov
Charles L. Moulton, Sr Assistant Attorney General	Charles.Moulton@arkansasag.gov
Counsel for State of Arkansas and Arkansas National Resources Commission	
Mark Richard Mullins	richard.mullins@mcafeetaft.com
MCAFEE & TAFT	
Counsel for Texas Farm Bureau; Texas Cattle Feeders Association; Texas Pork Producers Association and Texas Association of Dairymen	
Mia Vahlberg	mvahlberg@gablelaw.com
GABLE GOTWALS	
James T. Banks	jtbanks@hhlaw.com
Adam J. Siegel	ajsiegel@hhlaw.com
HOGAN & HARTSON, LLP	
Counsel for National Chicken Council; U.S. Poultry and Egg Association & National Turkey Federation	
John D. Russell	jrussell@fellerssnider.com
FELLERS, SNIDER, BLANKENSHIP, BAILEY & TIPPENS, PC	
William A. Waddell, Jr.	waddell@fec.net
David E. Choate	dchoate@fec.net
FRIDAY, ELDREDGE & CLARK, LLP	
Counsel for Arkansas Farm Bureau Federation	

Barry Greg Reynolds	reynolds@titushillis.com
Jessica E. Rainey	jrainey@titushillis.com
TITUS, HILLIS, REYNOLDS, LOVE, DICKMAN & MCCALMON	
Nikaa Baugh Jordan	njordan@lightfootlaw.com
William S. Cox, III	wcox@lightfootlaw.com
LIGHTFOOT, FRANKLIN & WHITE, LLC	
Counsel for American Farm Bureau and National Cattlemen's Beef Association	
Duane L. Berlin	dberlin@levberlin.com
LEV & BERLIN PC	
Counsel for Council of American Survey Research Organizations & American Association for Public Opinion Research	
Diane Hammons	Diane-Hammons@cherokee.org
Sara Hill	Sarah-Hill@cherokee.org
Counsel for the Cherokee Nation	

/s/ Ingrid L. Moll
Ingrid L. Moll